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09/935,396	08/23/2001	Carl P. Gusler	AUS920010540US1	9829

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EXAMINER
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JACOBS, LASHONDA T

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2157

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/935,396  
Filing Date: August 23, 2001  
Appellant(s): GUSLER ET AL.

**MAILED**

**OCT 19 2007**

**Technology Center 2100**

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Frank C. Nicholas  
Reg. No. 33,983  
For Appellant

**EXAMINER'S ANSWER**

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

20010032105	Frye et al	10-2001
6901372	Helzerman	05-2005

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frye et al (hereinafter, "Frye", U.S. Pub. No. 2001/0032105) in view of Helzerman (U.S. Pat. No. 6,901,372).

As per claims 1, 9 and 16, Frye discloses a method, system and computer readable medium for automated project accountability comprising:

- determining at least one decision maker of a project preparation (abstract and paragraph 0030);
- determining a project readiness as a function of the project assessments (paragraphs 0034 and 0040).
- providing a readiness category rating for the readiness category (paragraph 0040);
- conducting a project assessment as a function of the decision process (paragraphs 0034 and 0040).

However, Frye does not explicitly disclose:

- determining a readiness category for the decision maker; and
- determining a decision process for the readiness category and readiness category rating.

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Helzerman discloses a quality operation system for performing manufacturing projects comprising:

- determining a readiness category for the decision maker (col. 4, lines 41-64); and
- determining a decision process for the readiness category and readiness category rating (col. 3, lines 25-53 and col. 6, lines 22-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Frye by incorporating or implementing a quality operating system for developing and conducting concept feasibility and ready phases for a desired product to ensure that the manufacturing project is completed in a timely and efficient manner.

As per claims **2**, **10** and **17**, Frye discloses the invention substantially as claims discussed above.

However, Frye does not explicitly disclose:

- assigning vote weighting to the decision maker.

Helzerman discloses a quality operation system for performing manufacturing projects comprising:

- assigning vote weighting to the decision maker (col. 2, lines 48-63 and col. 4, lines 41-64); and

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Frye by incorporating or implementing a quality operating system for selecting and assigning members of technology group project assignments for a desired product to ensure that the manufacturing project is completed in a timely and efficient manner.

As per claims **3**, **11** and **18**, Frye discloses:

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- changing a project management application graphical interface, as a function of the project assessment (paragraphs 0033 and 0034).

As per claims **4**, **12** and **19**, Frye discloses:

- assigning a time limit (milestones, dates, etc.) in association with the project assessment and the project readiness (paragraph 0025).

As per claims **5**, **13** and **20**, Frye discloses:

- providing a collaborative environment for the decision maker (paragraph 0031).

As per claim **6**, Frye discloses:

- wherein the collaborative discussion mechanism is invoked for determining the readiness category, determining the decision process, conducting the project assessment, and determining the project readiness (paragraph 0031).

As per claims **7** and **21**, Frye discloses wherein the determination of at least one decision maker further comprises:

- providing project information from a project creator; accessing a data repository; retrieving a list from the data repository; selecting a project decision maker as a function of the project information and list; and selecting at least one contributing decision maker as a function of the project information, list, and project decision maker (paragraphs 0031 and 0040, Frye discloses different stage approvers to review and decide whether the program (project) is ready to advance to the next stage).

As per claims **8** and **22**, Frye discloses:

- providing technical information from the project creator (paragraph 0030); and
- providing security information from the project creator (paragraph 0033).

**(10) Response to Argument**

**Appellant argues in substance that:**

(a) Frye in view of Helzerman does not teach, and in fact teaches away from the claimed terms “determining a readiness category for the decision maker” and “providing a readiness category rating for the readiness category” as recited in claims 1, 9 and 16 [Appeal Brief page 11].

In response, Appellant's argument has been fully considered but is not persuasive.

Appellants contend that Helzerman does not teach the claimed terms “determining a readiness category for the decision maker” and “providing a readiness category rating for the readiness category” as recited in claims 1, 9 and 16. According to Appellants specification page 7, lines 5-7, the decision maker may select, edit, create and approve the various readiness category after the collaborative building of the readiness categories with their rating levels. Also, on page 7, lines 19-25 of Appellants' specification, the project decision maker assign one or more readiness categories to each contributing decision maker. However, the Examiner interprets “determining a readiness category for the decision maker” as determining the readiness category of project for the decision maker's use and “providing a readiness category rating for the readiness category” as providing a number to show that the first phase of the project is complete and read for the next phase.

In the prior art Helzerman teaches a quality operating system and method for performing manufacturing projects in which the project is divided into five phases (i.e. concept proposal, concept feasibility, a manufacturing concept ready, manufacturing concept ready, manufacturing implementation ready and replication). The project leaders are selected for managing the project

and ensuring that the project is ready before moving to the next phase of the project. The project leaders also conduct milestone reviews to review the project status to ensure the project is progressing according to the project plan (abstract, col. 3, lines 44-62, col. 4, lines 41-64, col. 5, lines 66-67, col. 6, lines 1-12 and col. 9, lines 44-64). Since Helzerman teaches project leaders are selected for managing the project, which may include making decisions, determining if the project is ready to begin and setting milestones for each phase of the project then Helzerman teaches determining a readiness category for the decision maker and providing a readiness category rating for the readiness category as recited in claims 1, 9 and 16.

(b) Frye in view of Helzerman does not teach or suggest "assigning vote weighting to the decision maker as recited in claims 2, 10 and 17 [Appeal Brief page 11].

In response, Applicant's argument has been fully considered but is not persuasive.

Appellants contend that Helzerman does not teach or suggest "assigning vote weighting" to the decision maker as recited in claims 2, 10 and 17. According to Appellants' specification page 7, lines 11-16, a project decision maker designates a decision process by assigning vote weighting to each contributing and participant decision maker in which the decision process may include options as unanimous, simple majority, percentage majority, points system, super voter and other options and rules. The Examiner interprets assigning vote weighting as giving the participants working on the project the authority to make decisions according to their position held during the project.

Helzerman teaches a quality operating system and method for performing manufacturing projects in which the project is divided into five phases (i.e. concept proposal, concept feasibility, a manufacturing concept ready, manufacturing concept ready, manufacturing



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implementation ready and replication). The project leaders are selected for managing the project and ensuring that the project is ready before moving to the next phase of the project. The project leaders also conduct milestone reviews to review the project status to ensure the project is progressing according to the project plan (abstract, col. 3, lines 44-62, col. 4, lines 41-64, col. 5, lines 66-67, col. 6, lines 1-12 and col. 9, lines 44-64). Since Helzerman teaches project leaders are selected for managing the project, which may include making decisions, determining if the project is ready to begin and setting milestones for each phase of the project then Helzerman teaches assigning vote weighting to the decision maker as recited in claims 2, 10 and 17.

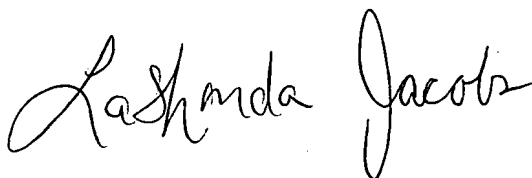
**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

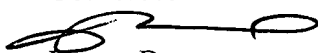
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

LaShonda Jacobs  
Examiner  
Art Unit 2157

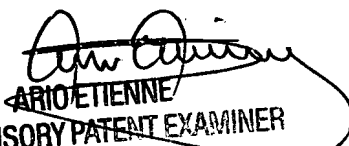


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